

United States District Court

Eastern District of Michigan

Southern Division

pg. 1

United States

V

Jack Carpenter III

Case No: 23-20152

Honorable Mark A Goldsmith

F I L E D

FEB 28 2024

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGANAppellate brief

As the Attorney assigned to my case has sent a letter stating a conflict of interest after an appeal where it was argued that he caused a due process issue in my case, and then proceeded to interfere with my appeal when told to remove himself, and I have been trying to have him removed since June 6th when he interfered with my defense, I want to reiterate that I do not authorize him to file any brief or delay in this appeal. The fact that he is still attached to my case is absurd.

The issue of this appeal centers on three questions of law:

1. Can the district court recognize a challenge to jurisdiction and then proceed as if it has jurisdiction without being proven?

2. If the court has a duty to at all times look into the question of jurisdiction, must presume jurisdiction is lacking until the prosecution proves jurisdiction, does 28 USC 1654 apply prior to jurisdiction being proven since it is assumed absent?

3. If the existence of a nation is not dependent upon the will of or laws of another nation or nations, is the existence of a nation a fact the court must accept as true? This question taking into account that existence and recognition are not the same thing, and a nation may exist without being recognized as the de jure sovereign over

a geographic area of land. Recognition being a political question for the executive branch. Existence being a mere fact beyond another political entity to question.

In each of these main questions there are sub-questions that arise due to the facts of this specific case. For the first question, on June 6th during an oral hearing the district court recognized a challenge to jurisdiction, asked the prosecution to explain why it thought the current motion should proceed at this stage given the challenge to jurisdiction, then proceeded to rule on the present motion without addressing jurisdiction and requiring it be proven to overcome the default presumption that jurisdiction is lacking.

From the view of the defendant the challenge to jurisdiction was recognized, the prosecution did not respond, therefore the Court was left with the default presumption it lacked jurisdiction, and the case should have been dismissed for want of jurisdiction. Instead, 3 months later the Court is exercising jurisdiction when the Court has a duty to prove jurisdiction to exercise it. What is the remedy for this error in process? It should not be to allow the prosecution to finally attempt to do what was required 8 months prior.

For question number 2 defendant has challenged jurisdiction by motion to dismiss under rule 12(b)(1) and 12(b)(2) ~~multiple times~~ several times. If the Court has a duty to look into a challenge to jurisdiction, a challenge to jurisdiction can be raised at any time during the proceedings, and the Court must presume that it does not have jurisdiction, then it does not logically follow that the Court has discretion to strike the motion due to 28 USC 1654 not allowing a hybrid defense. If jurisdiction is lacking, which is the default presumption, then no statute applies and the act of assigning an attorney is presumed invalid as the Court lacked the jurisdiction to recognize that one was assigned. The Court also cannot have discretion to ignore a question it has a duty to look into. This is the same logic found regarding the question of whether or not jurisdiction can be challenged for the first time on appeal, even after a plea

was accepted that waives all rights to appeal. If the court lacks jurisdiction is a default presumption, it is presumed it lacked jurisdiction to accept the plea in the first place. What is the remedy for this not happening for an entire year when the first suggestion the Court lacked jurisdiction was made in the complaint itself by the FBI, at every oral proceeding by the defendant, and several times as a 12(b)(1) and 12(b)(2) motion to dismiss? It shouldn't be to allow the prosecution the chance to finally respond to the challenge after a year of trying to be heard to no avail. Being told you can't speak because you have an attorney we won't let you fire, even though you filed a letter where he stated a conflict of interest and told you in front of another attorney that he won't defend you for personal reasons, and firing him will do you no good.

Question 3 is the most important to the defendant and it would be appreciated if answered first since it shows that despite the errors in process, the Court does in fact lack jurisdiction, and no theory presented by the prosecution can overcome the default presumption that jurisdiction is lacking. I put it last because of the bulk of the argument as well as the citations that will be included. I will place the citations at the end for easy reference.

In international law there are varying states or conditions of nations that exist. A nation can either be recognized or unrecognized by a nation such as the United States. Recognition is a political question which alters the condition to the judicial branch of the recognizing nation whether a foreign nation's claim to sovereign control over an area of land is *de facto* or *de jure*. But in either case, existence of a nation is a prerequisite.

There are examples of unrecognized nations having *de facto* sovereignty over land for centuries before being recognized as the *de jure* sovereign over an area of land. In addition there are sovereign nations that have no claim to land either *de facto* or *de jure*. There are also sovereign nations that have a status of *de facto* sovereignty to some nations while *de jure* sovereignty to others. The point of this series of

statements is to show that recognition and existence are not connected or interdependent upon one another. Nor does existence of a nation require a claim to sovereignty over a geographic area. Recognition requires both existence and a claim to a geographic area as being under the sovereign control of a nation. Recognition is merely a political question regarding what sovereign entity exercises sovereign control over an area of land. Recognition does not make a nation "real" or magically bring a nation into existence where the moment before the Executive Branch recognizes it, it did not exist. People seem to want to equate these two things or states of a nation, but that is in error and ignorance. A nation must exist to claim land, a nation must exist and claim land to be recognized. It goes then, without saying, that a nation can exist but not yet have acquired land, and is therefore not recognized. This is elementary logical deduction. The original definition of "Nation" under International law is "A group of people with a common ancestor." Which means they are started, in some cases, by a single individual.

Scripture for Judaism, Christianity, and Islam, which are truly the same religion with a disagreement on the role of Jesus and minor disagreement on acts of worship, will provide several examples of a single individual forming a nation. "Look to Abraham, your father, and to Sarah, who gave you birth; Though he was but one when I called him, I blessed him and he became a great nation" (Isaiah 51:2) "The Lord said to Abram: 'Go forth from your land, your relatives, and from your father's house to a land that I will show you. I will make of you a great nation'" (Genesis 12:1-2) This is the original definition of nation, words don't lose meanings when they gain new ones, they compound upon each other.

Since a nation can be a single individual and grow over time, and exist without recognition of other states as having control over a territory, it leaves the questions: "When does a nation exist?"; and "Do foreign nations determine, by their laws or courts, when a nation exists?" The answers to these questions are, respectively: "When it wills

itself into existence"; and "It's existence is not dependent upon the will of or laws of any other nation." "The internal acts of a de facto state are valid, whatever the attitude of the international circle." *Harcourt v. Gallard*, 12 Wheat. 523, 527. See also *Millvaine v. Cox's Lessee*, 4 Cr. 209, 212.

The most comprehensive right of a nation is the right to exist as a sovereign political entity. From this right flows the rights of Independence, equality, jurisdiction, property and intercourse. These rights are essential, fundamental, absolute and permanent. There is no limitation or restriction on the right to Independence which is absolute and unalienable. Independence is the right to be free from external political control. Since the sovereign represents the State, and therefore cannot be subjected to the jurisdiction of another state without waiving sovereignty, depriving the State of its right to Independence, he is civilly and criminally immune from the jurisdiction of any other state. A sovereign may travel incognito, and is only entitled to recognition of that rank. He can, however, assert his sovereignty and obtain its immunities at any time he deems proper.

The facts of this case will show that the stages of the nation I willed into existence were: Existence; Belligerency; Lawful Revolt with Belligerent occupation absent resistance acquiring land under two theories of International law; Mutual cessation of hostilities; Implicit recognition of borders by the Parent State through discussion with the US State Department.

At all stages of this, as Sovereign of the new State, I was lawfully immune from the Civil and Criminal Jurisdiction of the United States. That continues to today. At all times from Belligerency to Recognition a copy of the United States Department of Defense Law of War manual was followed, which requires the US executive Branch to resolve disputes diplomatically, even if not all aspects of international law are met. It can also be shown the expansion of the claimed territory of the new nation under the law of Reprisal due to the US government failing to comply with obligations under international law. However, the only two stages this court

eed concern itself with are: Existence; and ~~and~~ Recognition. The two stages that create rights of the new nation which create obligations within your courts.

Existence does not depend upon US agreement or its laws. Recognition is absolute and irrevocable, and the US executive branch is obligated by International law to respect the Sovereign right to the land. Because the nation was willed into existence, I am immune from civil and criminal courts and am beyond US jurisdiction, I demand to be released. As an aside, this question belongs in the original Jurisdiction of the US Supreme Court.

Citations

"International Law" by George Grafton Wilson, PhD and George Fox Tucker Ph.D.

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§21 Recognition of New States

(a) State existence *de facto* is not a question of International Law... This *de facto* Existence is not dependent upon the will of any other State or States. ... Whatever advantages membership in this circle may confer, and whatever duties it may impose, do not fall upon the new state until its existence is generally recognized by the states already within the international circle.

(b) (i) The most numerous instances are in consequence of division... This may be preceded by recognition of the belligerency of a revolted community within the jurisdiction of an existing state,

(3) A state after existence for a ~~number~~ period of years may formally be admitted... Japan, for centuries a *de facto* state, was only recently fully admitted

(c) The act constituting recognition of a new state may be formal... or informal, by implication... act which indicates an acknowledgment of International rights and obligations... "And can there be any doubt that when the executive branch of the government which is charged with our foreign

relations, shall, in its correspondence with foreign nations, assume a fact in regard to sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the executive be right or wrong." 13 Pet. 415. See also *Jones v. United States*, 137 U.S. 202; *Foster v. Neilson*, 2 Pet. 253

§ 28 Belligerents

§ 30 Existence

The most comprehensive right of a state is the right to exist... From this comprehensive right flow the general rights of independence, equality, jurisdiction, property, and intercourse

§ 31 Independence

Independence from the point of view of International law is freedom from external political control... yet in order that a state be admitted, it is regarded as essential that it be independent.

§ 62 Exemption of Sovereigns

... The sovereign represents the state, and therefore cannot be subjected to the jurisdiction of another state without waiving the sovereignty, and in so far depriving the state of one of its essential qualities... He... and effects, are exempt from civil and criminal jurisdiction. He is free from taxes, duties, police and administrative regulations.

"Department of Defense Law of War manual" as adopted by Congress in entirety but Mainly Chapter I and II, specifically II.3

"Sovereignty is transferred from one people to another because of the lawlessness of the proud." Yeshua (Joshua, Jesus), son of Eleazar, son of Simeon 10:8

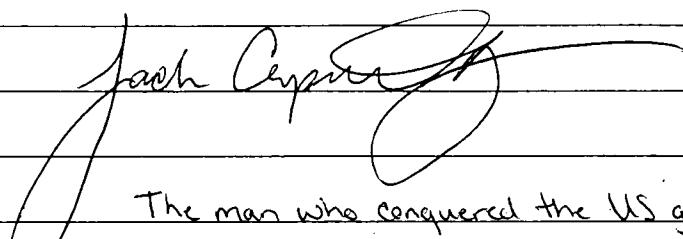
In addition to this brief I reserve all facts and arguments referenced in the cited motions, the oral hearing on June 6th, 2023 and the notice of appeal, which I consider attached.

I certify this Appellate brief is seven pages in length.

I respectfully request the Clerk of the district court to forward the last three prose motions to dismiss³ the oral transcripts of the hearing on June 6th, 2023 to the circuit court as I am considered indigent while incarcerated for a full year now and the attorney assigned to this case does not respond to those requests in a timely manner. Thank you.

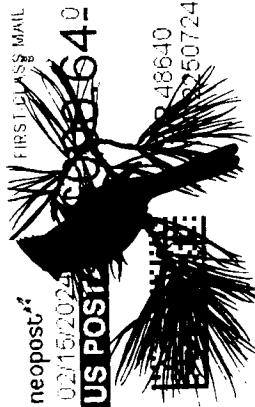
I appreciate you filing everything I send. Please forward this brief as well.

Thank you, again.



The man who conquered the US government with an email and their own rules. The pen is mightier than the sword, even a virtual pen.

"Many are the oppressed who rise to the throne; some that none would consider wear a crown." Yeshua, son of Eleazar, son of Sirach 11:5



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